

## Compliance Assessment Report CAR\_NRW0042915

**Permit being assessed:** AN0351701

For: Bryn Y Gwenin SPS Abergavenny, held by DWR CYMRU CYFYNGEDIG  
At: Llanthewy Skirrid, Abergavenny, Monmouthshire, NP7 8AA.

**Type of assessment carried out:** Audit, Reason: Other.

On 27/09/2023.

Parts of permit assessed: All

**NRW Lead Officer:** Edward Cox.

**Report sent to:** DCWW, Permit Holder, on 20/05/2024.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C2 Significant	Schedules 2.1, Schedule 1 table 1.1

Result types are explained in more detail in the 'Important Information' section below.

### 2. What action is required?

Criteria	Action needed	Complete by
WQ-C1	No information has been submitted to justify the discharges which have occurred on this site from July 2022 to July 2023. 2,8,15,21,23,24 of November 2022, 7,8,11,12,14 January 2023, 12 June 2023. Please can this be explained, and data for flow up and down the system from AN0351701 be provided to evidence why spills occurred.	30/06/2024

Action criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

**You are non-compliant with your permit.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

### 4. Details of our assessment

**\*\*\*Reissued to remove a result\*\*\***

*Ongoing Non Compliance*

*Schedule 4.2, Schedule 5, To be notified within 24 hours of detection.*

*The site is permitted only to discharge under Emergency conditions and for us to be notified within 24 hours of detection. Systems need to be implemented to ensure we are notified in the future.*

***This has been removed as an action since the action is currently sat with NRW for clarification and DCWW cannot complete the action until this is received.***

Enforcement action being considered.

The Bryn y Gwenin SPS permit authorises the discharge of sewage in an emergency via discharge point Grid Ref SO 33556 16173.

An emergency shall be defined as the period when the sewage pumping station is inoperative as a result of one or more of the following, which is not due to the act or default of the operator, its agents, representatives, officers, employees or servants;

- electrical power failure;
- mechanical breakdown of duty and standby pumps;
- rising main failure;
- blockage of the downstream sewer.

A data request was submitted on 25/08/2023 for spill dates, times, and data. A review of the data showed there had been 12 discharges. The 12 incidents dates: 2,8,15,21,23,24 of November 2022, 7,8,11,12,14 January 2023, 12 June 2023. In total 848,700 litres were spilled over all these dates.

During a routine assessment of compliance on 27/09/2023, it was noted that the site has discharged a total of 12 times between July 2022 and July 2023. There has been no notification given to us when the spills occurred and no evidence that spills were under emergency conditions.

Please carry out the actions specified to remedy this by 30/03/2023. Systems need to be implemented to ensure NRW are informed each time there is a spill. Data of flow and spills up and down the line from Bryn Y Gwenin to be provided to evidence reasons for spills at Bryn y Gwenin.

It is an offence under Regulation 38 (2) of the Environmental Permitting Regulations 2016 for a person to fail to comply with or to contravene an environmental permit condition.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm to the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

### If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

**Full list of water quality action criteria (used in section 1 and 2):****WQ A: Management**

- WQ-A1 General management

**WQ B: Operations**

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

**WQ C: Emissions and monitoring**

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

**WQ D: Information**

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

**Enforcement response**

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

**Data protection notice**

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

**Disclosure of information – this report will be available to view on-line**

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be

added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

**What do I do if I disagree with the report or have a complaint?**

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

**Welsh Language Standards**

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.